

REMARKS

The Claim Amendments

Applicants have canceled withdrawn claims 75 and 80-85.

Applicants have amended claim 87 to recite the structures of compounds I-1, I-5, I-6, I-7, I-8, I-9, I-10, I-13 and I-14.

None of the above amendments adds any new matter. This amendment is further discussed below in the context of the Examiner's rejections.

The Rejections

35 USC § 102(e)

The Examiner has rejected claims 87-89 under 35 U.S.C. § 102(e) as being anticipated by by Coppola, et al. in US Patent Application Publication No.: US 2004/0023974, published February 5, 2004 (hereinafter, "Coppola"). Specifically, the Examiner asserts Coppola discloses Example 37 at page 49, which is Applicant's compound I-12 disclosed in claim 87.

As discussed above, applicants have amended claim 87 to exclude compound I-12. The compounds disclosed in claim 87 are distinct from and thus not anticipated by the species disclosed in Coppola. Because claims 88-89 depend from claim 87, they too are distinct and not anticipated by the disclosure of Coppola. Therefore, applicants respectfully request that the Examiner withdraw this § 102(e) rejection.

35 USC § 103 (a)

The Examiner has rejected claims 87-89 under 35 U.S.C. § 103(a) as being unpatentable over Coppola. Specifically, the Examiner asserts that Coppola discloses Example 37 which is a structurally similar isomer to applicants compound of formula I-3 (e.g., Example 37 has a 3-methyl benzoate moiety while applicants compound I-3 has a 4-methyl benzoate moiety). The Examiner cites the high level of skill and predictability of the pharmacological arts to conclude that "structurally similar compounds suggest one another and are expected to behave similarly in similar environments."

As discussed above, applicants have amended claim 87 to delete therefrom compound I-3. Applicants submit that the remaining compounds disclosed in claim 87 are not rendered obvious by Coppola. Because claims 88-89 depend from claim 87, they too are not rendered obvious by the disclosure of Coppola. Accordingly, applicants respectfully request that the Examiner withdraw this § 103(a) rejection.

Conclusion

Applicants request that the Examiner enter the above amendments, consider the accompanying remarks, and allow the pending claims to pass to issue.

Respectfully submitted,

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